

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5912 of 2016

- Ramdev @ Botal S/o Tuta Bargah Aged About 35 Years R/o Village Kuniya, Mainpat, Police Station Kamleshwarpur, District Sarguja, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station A J A K, Ambikapur, District Sarguja, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Jitendra Shrivastava, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 22/2016 registered at P.S. AJAK, Ambikapur, Distt. Sarguja (C.G) for the offence punishable under Section 376 of IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, a report was made by the prosecutrix that on 25.05.2016 the prosecutrix along-with her husband and the present applicant went to attend the marriage. While they were coming back in the midst when the husband and other persons alighted from the vehicle, the applicant asked the prosecutrix to come and roam around with him. When she refused, she was forcibly taken to the forest and committed rape.
3. Learned counsel for the applicant submits that the prosecutrix is a major lady and out of some monetary dispute

the report has been made and the story as narrated is completely improbable and he referred to the affidavit of the prosecutrix wherein it is stated that because of monetary dispute, a false report was made, therefore, she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the prosecutrix.
6. Considering such statement and age of the prosecutrix who is a major and married lady and further looking to the way the offence has been committed and the period of detention of applicant as he is stated to be in jail since 22.06.2016, without any further observation on merits of the case I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE